THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :21885 of 2007

DATED:12-10-2007

BETWEEN:

Sadula Ranga Nayakamma.

..... PETITIONER

AND

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat,
Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the letter No.12281/06, dated 16-07-2007, issued by the 3rd respondent and action of the respondents in trying to dispossess him from the land admeasuring Ac.3.06 guntas in Sy.No.85/4, Ullampalli village, Chigurumamidi mandal, Karimnagar District, as illegal and arbitrary.

3. It is the case of the petitioner that the Government assigned an extent of Ac.3.06 guntas in Sy.No.85/4 at Ullampalli village, Chigurumamidi mandal, Karimnagar District vide patta certificate A.31/632/76, dated
27-01-1976, with a condition that the land shall be brought under cultivation within three years and the said land shall not be leased out or alienated in favour of any others. While so, it is stated that the 3rd respondent-Revenue Divisional Officer, Karimnagar vide his letter No.12281/2006, dated
16-07-2007, addressed to the 4th respondent-Tahsildar, Chigurumamidi mandal, stated that the petitioner is the assignee of an extent of Ac.3.06 guntas, residing at Hyderabad and the land has become fallow and accordingly a request has been made to resume the said land of the petitioner and also the land of the other

similarly situated persons. It is stated that pursuant to the said order, 4th respondent is taking steps to dispossess the petitioner.

4. I am of the opinion that the said letter is only an internal communication made by the 3rd respondent to the 4th respondent to take appropriate action in accordance with law and unless the 4th respondent follows the due procedure prescribed in law under the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 or the Board Standing Orders, petitioner cannot be dispossessed.

5. Having regard to the facts and circumstances, Writ Petition is disposed of directing the respondents not to dispossess the petitioner without following due process of law. There shall be no order as to costs.

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V.ESWARAIAH,J

12th October, 2007.

Note:

Issue operative portion of the order
by wire at party's costs.

B/o

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